



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WESTERN DIVISION

312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION

411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION

3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

SHERRI R. CARTER
District Court Executive and
Clerk of Court

February 11, 2008

Clerk, United District Court
Northern District of California
450 Golden Gate Avenue, 16th Flr
San Francisco, CA 94102-3434

Re: Transfer of our Civil Case No. CV07-8208 GAF(JCR)

Case Title: Edward Kennedy -v- Ben Curry

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

Very truly yours,

Clerk, U.S. District Court

By _____
Deputy Clerk

cc: All counsel of record

TO BE COMPLETED BY RECEIVING DISTRICT

JSW

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: CV 08 1090.

(PR)

Clerk, U.S. District Court

By _____
Deputy Clerk

[Signature] 18

194, CLOSED

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:07-cv-08208-GAF-JCR
Internal Use Only

Edward Kennedy v. Ben Curry
Assigned to: Judge Gary A. Feess
Referred to: Magistrate Judge John Charles Rayburn, Jr
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 12/18/2007
Date Terminated: 01/28/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner

Edward Kennedy

represented by **Edward Kennedy**

I hereby attest and certify on *2/11/08*
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

JUDGE, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

By:

Ben Curry Deputy



V.

Respondent

Ben Curry

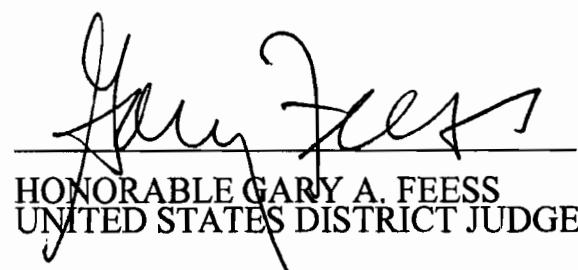
Date Filed	#	Docket Text
12/18/2007	•1	PETITION for Writ of Habeas Corpus by a Person In State Custody (28:2254) Case assigned to Judge Gary A. Feess and referred to Magistrate Judge John Charles Rayburn, Jr. (Filing fee \$ 5 DUE.), filed by Petitioner Edward Kennedy. (et) (Entered: 01/02/2008)
12/18/2007	•2	NOTICE OF REFERENCE TO A U.S. MAGISTRATE JUDGE. Pursuant to the provisions of the Local Rules, the within action has been assigned to the calendar of Judge Gary A. Feess and referred to Magistrate Judge John Charles Rayburn, Jr. to consider preliminary matters and conduct all further matters as appropriate. The Court must be notified within 15 days of any change of address. (et) (Entered: 01/02/2008)
01/28/2008	•3	ORDER by Judge Gary A. Feess transferring case to USDC, N/D of California. Original file, certified copy of the transfer order and docket sheet sent. (MD JS-6. Case Terminated.) (mrgo) (Entered: 01/29/2008)
02/11/2008	•4	TRANSMITTAL of documents: Mailed certified copies of transfer order,

court docket and transmittal letters to the USDC Northern District of California. (bp) (Entered: 02/11/2008)

1 **IT IS FURTHER ORDERED** that the Clerk of this Court serve a copy of
2 this Order upon Petitioner and upon the California Attorney General.

3 DATED:

4 1/28/08

5 
6 HONORABLE GARY A. FEES
7 UNITED STATES DISTRICT JUDGE

8 Presented by:

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10 JOHN C. RAYBURN, Jr.
11 United States Magistrate Judge

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EDWARD KENNEDY

NAME

D#30780

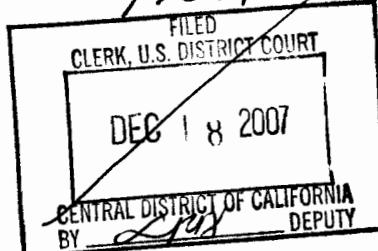
PRISON IDENTIFICATION/BOOKING NO.

P.O.B 689/F-304

ADDRESS OR PLACE OF CONFINEMENT

SOLEDAD, CA. 93960

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDWARD KENNEDY

FULL NAME (Include name under which you were convicted)

Petitioner,

v.

BEN CURRY (A)

NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER

Respondent.

CASE NUMBER:

CV 07-8208 GAF (JCR)

To be supplied by the Clerk of the United States District Court

(S30)

 AMENDED

PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY

28 U.S.C. § 2254

PLACE/COUNTY OF CONVICTION Los Angeles
PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT

(List by case number)

CV C 06-0831 JSW

CV

INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are asking for relief from the conviction and/or the sentence. This form is your petition for relief.

2. In this petition, you may challenge the judgment entered by only one California state court. If you want to challenge the judgment entered by a different California state court, you must file a separate petition.

3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.

4. Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.

5. You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

6. You must pay a fee of \$5.00. If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed in forma pauperis (as a poor person). To do that, you must fill out and sign the declaration on the last two pages of this form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities held in trust to your credit in any account at the institution. If your prison account exceeds \$25.00, you must pay the filing fee.

6. When you have completed the form, send the original and two copies to the following address:

Clerk of the United States District Court for the Central District of California

RECEIVED
CLERK, U.S. DISTRICT COURT

DOCKETED ON [Redacted]

DEC 17 2007

JAN - 2 2008

United States Courthouse
ATTN: Intake/Docket Section
312 North Spring Street
Los Angeles, California 90012

CENTRAL DISTRICT OF CALIFORNIA
DEPT. OF CLERK'S OFFICE

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

ORIGINAL

PLEASE COMPLETE THE FOLLOWING: (*Check appropriate number*)

This petition concerns:

1. a conviction and/or sentence.
 2. prison discipline.
 3. a parole problem.
 4. other. Failure of the Board of Parole Hearings to follow the mandates of Penal Code § 3041 (a)

PETITION

- ## 1. Venue

- a. Place of detention CTF-SOLEDAD

2. Conviction on which the petition is based (*a separate petition must be filed for each conviction being attacked*).

- a. Nature of offenses involved (include all counts): 187 P.C. 2nd

Digitized by srujanika@gmail.com

b. Penal or other code section or sections: P.C. 187

c. Case number: A031686

d. Date of conviction: May 5th, 1986

e. Date of sentence: June 2nd, 1988

f. Length of sentence on each count: 15 years to life

g. Plea (check one):

Not guilty

Guilty

Nolo contendere

Kind of trial (check one):

Jury

Judge only "Plea Bargain."

11 Judge SBS)

3. Did you appeal to the California Court of Appeal from the judgment of conviction? Yes No

If so, give the following information for your appeal (*and attach a copy of the Court of Appeal decision if available*):

- a. Case number: Petitioner does not have the above records.

- b. Grounds raised (*list each*):

(1) _____ N/A

(2) _____ N/A
 (3) _____ N/A
 (4) _____ N/A
 (5) _____ N/A
 (6) _____ N/A

- c. Date of decision: Petitioner does not have these records
 d. Result Denied
-

4. If you did appeal, did you also file a Petition for Review with the California Supreme Court of the Court of Appeal decision? Yes No

If so give the following information (*and attach copies of the Petition for Review and the Supreme Court ruling if available*):

a. Case number: _____ N/A
 b. Grounds raised (*list each*):
 (1) _____ N/A
 (2) _____ N/A
 (3) _____ N/A
 (4) _____ N/A
 (5) _____ N/A
 (6) _____ N/A
 c. Date of decision: _____ N/A
 d. Result _____ N/A

5. If you did not appeal:

a. State your reasons Petitioner entered into a Plea Bargain with the state.

b. Did you seek permission to file a late appeal? Yes No

6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction?

Yes No

If so, give the following information for each such petition (*use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available*):

(c) _____
 (d) _____
 (e) _____
 (f) _____

(5) Date of decision: _____

(6) Result: _____

(7) Was an evidentiary hearing held? Yes No

7. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than five grounds. Summarize briefly the facts supporting each ground. For example, if you are claiming ineffective assistance of counsel, you must state facts specifically setting forth what your attorney did or failed to do.

CAUTION: *Exhaustion Requirement:* In order to proceed in federal court, you must ordinarily first exhaust your state court remedies with respect to each ground on which you are requesting relief from the federal court. This means that, prior to seeking relief from the federal court, you first must present all of your grounds to the California Supreme Court.

- a. Ground one: There is no evidence in the record to support the Board's determination that petitioner is not suitable for parole and is a current unreasonable risk to the public if release.
- (1) Supporting FACTS: Parole maybe denied based on the commitment offense circumstances. But only if all other relevant and reliable information is considered. In re Ramirez 94 Cal. App.4th 549, citing In re Seabock (1983) 140 Cal. App.3rd 29, 37-38. Furthermore, in order to justify denying parole based on the offense, the Board is required to find that "the prisoner committed the offense in an especially heinous, atrocious, or cruel manner". Cal.Code of Regs. Tit.15 § 2402(c)(1) cont. page 5(a) of 10
- (2) Did you raise this claim on direct appeal to the California Court of Appeal? Yes No
 (3) Did you raise this claim in a Petition for Review to the California Supreme Court? Yes No
 (4) Did you raise this claim in a habeas petition to the California Supreme Court? Yes No

- b. Ground two: Because California law requires more than mere Pro Forma consideration the decision by the Board of Parole Hearings was objectively unreasonable in the face of the evidence
- (1) Supporting FACTS: Petitioner contends that his Parole Hearing has been Pro Forma while the California Board of Parole Hearings has been vested with the authority to make suitability determinations, it was also directed by the controlling statute to establish criteria for setting parole dates, and did so (see In re Stanworth (1982) 33 Cal.#d 176). The matrix were established for various crimes and circumstances to help guide the board cont. page 5(a) of 10

- (2) Did you raise this claim on direct appeal to the California Court of Appeal? Yes No
 (3) Did you raise this claim in a Petition for Review to the California Supreme Court? Yes No

7(a) cont.

In petitioner's case, the Board asserted that the offense was "callous". This determination could not possibly be sufficient [to justify a parole denial for a second degree murder] since it would necessarily apply to every second degree murder. **Rosenkrantz**, 80 Cal.App.4th at P.425. citation omitted. First, none of the circumstances set forth in the Board's regulations to justify denying parole based on the offense exist here. That's why the Board did not cite any of them in their denial decision. There is no evidence to show that petitioner shot the victim execution style. Secondly, when the Board put forth the gravity of the crime as its primary basis for denying parole it was required "to comply with the parole policy established by the legislature in P.C.§ 3041(a) that parole shall normally be granted.

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14 7(b) cont.

But the Board has dismissed their importance contrary to state law as previously interpreted. In **In re Dannenberg**, (2005) 34 Cal.4th 1061 the California Supreme Court recently repudiated its former construction of the parole statutes and now disavows and disapproves what it explained the law to be in **Stanworth**, and **In re Rosenkrantz**, (2002 Cal. App.4th 549). Even so, parole consideration hearings must still be more than mere Pro Forma and the Board must still provide evidence with respect to the exceptional gravity of the offense using the standards provided by the regulations pertaining to suitability and unsuitability determinations. Petitioner contends that in this case there is no evidence supporting the conclusion that he poses a threat to public safety. Clearly explained with respect to the requirements of due process. The continued incarceration of petitioner deprives him of due process as explained by **Biggs**, citing established Supreme Court authority. It is a well established principle that a constitutional protection is attached

7(b) cont.

1 to an inmates' interest in parole under Penal Code § 3041, as the Ninth
2 Circuit Court of Appeals held in **Mc Quillion v. Duncan** (2002) **306 F.3d 895** at
3 p.902 "California parole scheme gives rise to a cognizable liberty interest
4 in release on parole."

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1 There is no evidence that "this offense was carried out in a manner which
2 demonstrates an exceptionally callous disregard for human suffering are that
3 it was heinous, atrocious, or cruel disregard for human suffering." As the
4 Superior Court found. The offense in question must have been committed in a
5 more aggravated or violent manner than that ordinarily shown in the
6 commission of a second degree murder as in **Scott**, "no such facts or anything
7 remotely similar are present in the instant case." (see also **In re Smith**
8 (2003) **114 Cal.App.4th 343, 367**) There is no evidence **Smith** tormented,
9 terrorized, or injured [his victim] before deciding to shoot [him] or
10 that he gratuitously increased or necessarily prolonged [his] pain and
11 suffering. Moreover, under the board's only regulations, an inmate may be
12 deemed suitable even though his offense demonstrated exceptionally callous
13 disregard for human suffering (see **CCR Tit. § 2403(c)(c-III)** of the second
14 degree matrix. suggest (19-20-21) not counting post conviction credits.

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17 7(d) cont. Ground four:

18 such information available to it thus violates this section. The board also
19 failed to consider that several factors favored suitability as required by
20 subdivision (d) of section § 2402. Petitioner has a stable social history.
21 Petitioner continues to enjoin strong support from his family (Aunts,
22 sisters, brother, and friends) § 2402(d)(2). Petitioner has shown consistent
23 and genuine signs of remorse for both the victim and the victim's family §
24 2402(d)(3). The crime was committed at an extremely young age over (22 years
25 Petitioner is now (40) years old and has matured considerably, § 2402(d)(7).
26 Petitioner has a stable place to live and several job offers with additional
27 assistant from family and friends § 2402(d)(8). Petitioner's institutional
28 activities(i.e. his substantial participation in self-help programs and his

1 graduating from college with an Associate of Arts Degree. He has also
2 developed numerous marketing skills, § 2402(d)(9). The board failed to
3 consider these factors, thus violating it's own regulations.

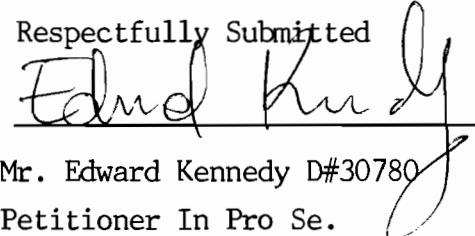
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10 CONCLUSION

11 For the reasons stated herein, petitioner submits that his (7) parole
12 consideration hearings have been merely "sham hearings" with the same
13 repeated denial year after year with no real "due consideration" violating
14 petitioner's due process and depriving petitioner of his liberty interest in
15 parole.

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20 Respectfully Submitted

21 
22 Mr. Edward Kennedy D#30780
23 Petitioner In Pro Se.

24
25 Dated DECEMBER 13TH, 2007
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8. If any of the grounds listed in paragraph 7 were not previously presented to the California Supreme Court, state briefly which grounds were not presented, and give your reasons: _____
 N/A

 N/A

9. Have you previously filed any habeas petitions in any federal court with respect to this judgment of conviction?

Yes No

If so, give the following information for each such petition (*use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available*):

- a. (1) Name of court: United States District Court-Northern District
 (2) Case number: C 06-0831
 (3) Date filed (*or if mailed, the date the petition was turned over to the prison authorities for mailing*): November 9th, 2006
 (4) Grounds raised (*list each*):
 (a) Failure of the Board to set petitioner release date in accordance with established law violating petitioner's state and federal due process rights and his protected liberty interest in parole.
 (e) _____
 (f) _____
 (5) Date of decision: Pending
 (6) Result Pending

(7) Was an evidentiary hearing held? Yes No

- b. (1) Name of court: _____
 (2) Case number: _____
 (3) Date filed (*or if mailed, the date the petition was turned over to the prison authorities for mailing*): _____
 (4) Grounds raised (*list each*):
 (a) _____
 (b) _____
 (c) _____
 (d) _____
 (e) _____
 (f) _____
 (5) Date of decision: _____
 (6) Result _____

(7) Was an evidentiary hearing held? Yes No

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction? Yes No

If so, give the following information (*and attach a copy of the petition if available*):

(1) Name of court: United States District Court-Northern District

(2) Case number: C 06-0831

(3) Date filed (*or if mailed, the date the petition was turned over to the prison authorities for mailing*): November 6, 2006

(4) Grounds raised (*list each*): The State Court decision is inconsistent with clearly established federal law.

- (a) Because California law requires more Pro Forma consideration the decision was objectively unreasonable.
- (c) There is no evidence in the record that petitioner poses a threat to public safety.
- (d) _____
- (e) The Board's Parole denial ignored the factors demonstrating petitioner's suitability for parole.
- (f) The Board's refusal to release petitioner on parole is an unlawful abuse of its discretion.

11. Are you presently represented by counsel? Yes No

If so, provide name, address and telephone number:

WHEREFORE, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on DEC 13TH, 07

Date

Edmund Kennedy

Signature of Petitioner

EDWARD KENNEDY*Petitioner*BEN CURRY, WARDEN (A)*Respondent(s)*

**DECLARATION IN SUPPORT
OF REQUEST
TO PROCEED
IN FORMA PAUPERIS**

I, EDWARD KENNEDY, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes No

a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of employer. #20.00 A MONTH (17¢ A HOUR) DEPARTMENT OF CORRECTIONS 3 REHABILITATION

b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which discontinued. _____

2. Have you received, within the past twelve months, any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes No
- b. Rent payments, interest or dividends? Yes No
- c. Pensions, annuities or life insurance payments? Yes No
- d. Gifts or inheritances? Yes No
- e. Any other sources? Yes No

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months: N/A

N/AN/A

3. Do you have any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts)
No

If the answer is yes, state the total value of the items owned: _____

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property? (*Excluding ordinary household furnishings and clothing*) Yes No

If the answer is yes, describe the property and state its approximate value: _____ N/A
_____ N/A

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support: _____ N/A

_____ N/A

_____ N/A

I, declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on 12/13/07

Date

Edmund Kuehly
Signature of Petitioner

CERTIFICATE

I hereby certify that the Petitioner herein has the sum of \$ 20.00 on account to his credit at the ETP institution where he is confined. I further certify that Petitioner likewise has the following securities to his credit according to the records of said institution: _____

12-13-07

Date

SPW

Authorized Officer of Institution/Title of Officer

E-Filing, HABEAS, ProSe

U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:06-cv-00831-JSW
Internal Use Only

Kennedy v. Perez et al
Assigned to: Hon. Jeffrey S. White
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 02/07/2006
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner**Edward D. Kennedy**

represented by **Edward D. Kennedy**
CTF-Soledad
P.O. Box 689
D-30780
Soledad, CA 93960
PRO SE

V.

Respondent**M. Perez****Respondent****Governor Arnold Schwarzenegger****Respondent****Warden A.P. Kane**

Date Filed	#	Docket Text
02/07/2006	1	PETITION for Writ of Habeas Corpus (Filing fee \$ 5-ifpp). Filed by Edward D. Kennedy. (hdj, COURT STAFF) (Filed on 2/7/2006) (Entered: 02/08/2006)
02/07/2006	2	MOTION for Leave to Proceed in forma pauperis filed by Edward D. Kennedy. (hdj, COURT STAFF) (Filed on 2/7/2006) (Entered: 02/08/2006)
02/07/2006	3	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (hdj, COURT STAFF) (Filed on 2/7/2006) (Entered: 02/08/2006)
02/08/2006		Filing fee: \$ 5, receipt number 3381430. (hdj, COURT STAFF) (Filed on 2/8/2006) (Entered: 02/10/2006)
02/23/2006		Received Document copy of receipt by Edward D. Kennedy. (hdj, COURT STAFF) (Filed on 2/23/2006) (Entered: 02/24/2006)
07/14/2006	4	ORDER TO SHOW CAUSE. Signed by Judge Jeffrey S. White on 07/14/06. (rbe, COURT STAFF) (Filed on 7/14/2006) (Entered: 07/14/2006)
07/14/2006		(Court only) ***Motions terminated: 2 MOTION for Leave to Proceed in forma

		pauperis filed by Edward D. Kennedy,. (hdj, COURT STAFF) (Filed on 7/14/2006) (Entered: 07/18/2006)
07/18/2006	● ④	Sent copies to Respondent and Attorney General via certified mail. (hdj, COURT STAFF) (Filed on 7/18/2006) (Entered: 07/18/2006)
09/12/2006	● ⑤	Response to Order to Show Cause by A.P. Kane. (far, COURT STAFF) (Filed on 9/12/2006) (Entered: 09/15/2006)
10/12/2006	● ⑥	MOTION for Extension of Time to Reply to Return to OSC filed by Edward D. Kennedy. (hdj, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/16/2006)
10/16/2006	● ⑦	MOTION for Extension of Time to File Reply filed by Edward D. Kennedy. (hdj, COURT STAFF) (Filed on 10/16/2006) (Entered: 10/19/2006)
11/01/2006	● ⑧	ORDER by Judge Jeffery S. White granting <u>6</u> <u>7</u> Motion for Extension of Time to File Traverse. (hdj, COURT STAFF) (Filed on 11/1/2006) (Entered: 11/03/2006)
11/09/2006	● ⑨	Traverse re <u>5</u> Response to Order to Show Cause by Edward D. Kennedy. (hdj, COURT STAFF) (Filed on 11/9/2006) (Entered: 11/13/2006)
05/11/2007	● ⑩	ORDER RE ELECTRONIC FILING IN CASES WITH UNREPRESENTED PARTIES: Case designated for electronic filing. Effective immediately all represented parties will e-file their submissions to the court. Represented parties will be required to serve paper copies by mail on unrepresented parties. Unrepresented litigants will continue to file and serve all submissions to the court in paper form unless prior leave is obtained from the assigned judge. Signed by Chief Judge Vaughn Walker dated 5/11/07. Copy mailed to counsel of record. (ga, COURT STAFF) (Filed on 5/11/2007) (Entered: 05/17/2007)